(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 192 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr. S.G. Dessai, Sr. Advocate with Mr. B. Prabhu, Advocate for the Petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Govt. Advocate for the Respondents No.1 and 2.

CORAM : S.A. BOBDE &
N.A. BRITTO, JJ.

DATE : 14TH JUNE, 2004.

P.C.:

After this petition was filed, a Memorandum dated 8.3.04 has been placed on record by the respondents in which the Assistant Commissioner of Excise has stated that the petitioner's application cannot be acceded to since the matter is subjudice before the Mamlatdar's Court. We find that for all practical purposes, this amounts to refusal of licence for the current year. The learned Advocate General

points out that the petitioner is entitled, in such cases, to prefer an appeal under Section 40 of the Goa Excise Duty Act, 1964.

Hence, having regard to the alternative remedy, we do not think it appropriate to consider this petition, which is dismissed on that ground only.

S.A. BOBDE, J.

N.A. BRITTO, J.

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